

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
November 7, 2012**

The Millard County Planning Commission met on Wednesday September 5, 2012 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Robin Smith Chairman
Joyce Barney Board Member
Molly Stevens Board Member
David Sturlin Board Member
Gordon Chatland Board Member

EXCUSED: Greg Greathouse Board Member
Gary Walker Board Member

ALSO PRESENT:

Richard Waddingham County Attorney
Amber Nickle Secretary
Ashley Smith Green Power
Daren Daters Enel Green Power
Linda Gillmor Economic Development

1. Welcome, Call to Order

Chairman Smith called the meeting to order at 7:06 p.m. He welcomed all present.

**2. APPROVAL OF MINUTES – August 1, 2012
September 5, 2012**

The proposed minutes of the regular Planning Commission meeting held August 1, 2012 were presented for consideration and approval. Following review and consideration Commissioner Gordon Chatland made a MOTION to approve the minutes, as corrected. Commissioner Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative.

The proposed minutes of the regular Planning Commission meeting held September 5, 2012 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner David Sturlin made a MOTION to approve the minutes, as corrected. Commissioner Gordon Chatland SECONDED the motion. The voting was unanimous in the affirmative.

3. **REVIEW and POSSIBLE APPROVAL** on Application # Z-2012-015 for a Conditional Use Permit for operation of an electrical generating (geothermal production well) located at 1185 East Sulphurdale Road 1/10 mile north of the Millard/Beaver County line. Enel Cove Fort, LLC - Applicant.

Daren Daters gave a short history of the project. The goal of the project is to produce more power with less energy. He explained the process of the binary system and how it works. Mr. Daters stated that the original application projected more water than actually needed. After this initial application there were many protestors in the area.

Mr. Daters stated that the original application was misfiled and it has been filed a second time after meetings with residents and church representatives in the Cove Fort area. A monitoring plan of 14 wells is intact to monitor water levels during the project.

There is a distinction between the surface water and the deep water levels.

Mr. Waddingham asked how much water they plan to use. Mr. Daters stated that the same size plant in Nevada consumed 1,000,000 gallons of water during a 12-month period.

Mr. Waddingham stated that one main concern is that the quality of water is not compromised.

They have received 4 protests to initial application. After second application there were another 4 protests including the LDS church and Millard County.

The monitoring wells are already constructed. They obtained a permit to drill the wells but are being held up in the water rights process.

Chairman Smith asked how many jobs the project would create. Mr. Daters stated that once the construction is complete 6-8 people will be hired full time to run the system.

Ashley Smith stated that the land that the CUP is being requested for is located on Forest Service land.

Richard Waddingham asked how much consumptive and non-consumptive water is needed for project. Ashley Smith said only a small amount of water is needed for consumption. She stated that all the water needed for the project is not usable water – it is from deep down in the earth and is hot salt with high sulfur content. It is not potable and cannot be used for farming.

Molly Stevens stated that a local landowner at Cove Fort stated that he is not against the permit but he feels that a \$50,000 bond is not enough to cover the damage if the water in the area becomes contaminated by the project. He feels that a \$2,000,000 bond is more acceptable for the project to cover the cost of contaminated water.

Mr. Daters stated that they have invested \$30,000,000 in the project already and are confident that what they need is there.

The water they are going to extract is 2000 to 3000 feet under the ground and 600 feet off the closest road.

David Sturlin asked where they are in the federal and state permitting. Ashley Smith stated that they are done and have been approved and received all permits from State and Federal agencies. She stated that Beaver County has been much more involved in the process because 90% of the project is in that county.

Chairman Smith asked if Millard County can be provided all the information that Beaver County has access to, Ashley Smith and Daren Daters said yes.

Pete Vandermeide has already approached the water issue with the state. Mr. Waddingham stated that the state will not get involved as far as requiring a bond but they may make them implement a monitoring program for plant.

Ashley Smith stated that they have already worked with Utah ground water protection agency and they are aware of the project.

Mr. Daters stated that they have a whole insurance group in their company.

Chairman Smith asked how Millard County would benefit from this project. Mr. Daters said not much. There are 15,000 acres on the other side of I70 that are all in Millard County that they plan to build two more plants.

Chairman Smith asked who the power is for. Mr. Daters stated that they are going to be supplying power to Arizona.

There was some discussion on insurance and litigation. Gordon Chatland stated that condition (E) covers insurance liability. Richard Waddingham was concerned that the insurance would cover third parties and that proof of insurance needs to be verified in order to approve conditional use permit (CUP).

Gordon Chatland made a motion to approve conditional use permit with the following conditions:

A. The proposed use is a Conditional Use within the RF20 Zone under the existing Land Use Code. The proposed use is necessary or desirable to provide a service or facility which contributes to the general well-being of the county by

- i. Provide for the use of existing renewable energy resources for the protection and promotion of air quality.
- ii. The proposed project will not impact the viability of any agricultural activities or the agricultural base of Millard County.
- iii. 100-150 temporary jobs during the construction phase
- iv. 10-12 full time operation and maintenance jobs when the plant is in production.

B. Such use will not, under the circumstances and conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements of the immediate area or the county as a whole.

C. The proposed use will comply with the regulations and conditions specified for such use.

D. The proposed use conforms to the goals, policies and governing principles of the county *General Plan*.

E. That, for uses designated as accessory uses, the use will support and further the principal use of the property. (Ord. 08-04-01B, 4-1-2008)

3. Approve the Permit with the following reasonable conditions:

a) The proposed use will be conducted in compliance with the requirements of this Ordinance, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.

b) The property on which the Conditional Use proposed is of adequate size to permit the conduct of the use in a manner that will not be detrimental to adjoining and surrounding properties.

c) Implement safety programs as required by the OSHA and any other state or federal agencies having jurisdiction over this type of operation and observe all good safety practices particular to manufacturing and agricultural operations.

d) Submit to Millard County an incident report on all accidents which occur onsite, and which require major medical assistance. This report should be a detailed report and include the cause of accident and circumstances surrounding the accident.

e) Maintain adequate liability insurance to cover any and all risks that may be incurred during project operation and provide Millard County with proof of such insurance.

f) Maintain workers compensation insurance on all employees as required by state law.

g) Be responsible for its own site security.

h) Implement good dust control practices and procedures to control the generation and spreading of dust from geothermal electrical generation project as well as any dust problems arising from transportation to and from the site along dirt and gravel roads in Millard County.

i) Maintain a clean and healthy environment for staff and neighbors.

David Sturlin SECONDED the motion. Two members voted for. Two members voted against. There was a tie and Chairman Smith broke the tie in favor of CUP. CUP was approved with conditions listed above.

4. OTHER BUSINESS

Next meeting is December 5th at 6:30 at the Gold Room.

5. POSSIBLE CLOSED MEETING PURSUANT to UTAH CODE ANNOTATED SECTION 52-4-4&5.

6. ADJOURNMENT

Gordon Chatland made a MOTION to adjourn. Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative.

Robin Smith, Chairman
Millard County Planning Commission